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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

JONATHAN CHANG,
a/k/a RuWu Charng,

Defendant.

Case No. 5:16-cr-47 EJD

STIPULATION AND PROTECTIVE ORDER

With the agreement of the parties, the Court enters the following Protective Order:

This case has been remanded to this Court “to conduct proceedings related to newly discovered evidence.” ECF No. 315. The United States will produce to defense counsel certain records from the Federal Bureau of Investigation’s Office of Professional Responsibility (“OPR records”). The parties have sought a protective order limiting the uses to which the OPR records can be put. The Court finds that there is good cause for issuance of such a protective order. Therefore, **IT IS ORDERED THAT:**

1. The contents of the OPR records shall not be disclosed in any form to any other person by defense counsel except to the client, another attorney for the client, an investigator for the client, an expert retained to assist with the preparation of the defense in the captioned case, or staff person of

PROTECTIVE ORDER

1 defense counsel and then only for the specific purposes relating to defending the client in this case.

2 2. Unless expressly authorized by this Court, no information derived from the OPR records
3 which are the subject of this order including but not limited to the identity of witnesses or complainants,
4 number of complaints, location of any incident or the existence of a complaint, may be disclosed to any
5 individual or entity for any other use, including, for example, any disclosure in any unrelated case or
6 proceeding where the person about whom the OPR records pertain is a witness.

7 3. If the OPR records are copied or duplicated in paper or electronically so that authorized
8 persons can possess and review this material as described in paragraph 1, a copy of this protective order
9 must accompany that copy or duplication.


10 4. Within ten working days of the final judgment or other final disposition of the instant
11 case, any and all of the OPR records released under this Order and any copies made shall be returned to
12 the United States Attorney's Office or the Federal Bureau of Investigation whether or not a specific
13 request has been made for the return of said documents. No information derived from the disclosed
14 OPR records may be used for any subsequent purpose or retained in any form including any database or
15 files.

16 5. This Order applies to all attorneys associated with the above case who have knowledge of
17 this Order regardless of the nature of their involvement in the case.

18 6. All persons who come into possession of the OPR records disclosed pursuant to this
19 Order are required to advise any other persons receiving disclosure of any of the OPR records of the
20 terms of this Order.

21 7. A willful violation of this Order shall constitute a criminal contempt of Court for which
22 sanctions are provided by law. The parties who agree to receive information which is subject to this
23 Order agree that this Court has jurisdiction to enter this Order.

24
25 Dated: ____ July 19, 2021 ____


EDWARD J. DAVILA
United States District Judge

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28 By signing below, defense counsel acknowledges the terms of this protective order and

1 undertakes the obligation to disclose the existence and terms of this Order to any other person who is
2 authorized to receive the OPR records, including the defendant, investigators, experts, staff and
3 subsequent attorneys authorized to represent the defendant.

4
5 Dated: July 19, 2021

/s/
JULIA JAYNE
Counsel for Jonathan Chang

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8 Dated: July 19, 2021

/s/
SCOTT A. SUGARMAN
Counsel for Jonathan Chang

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11 STEPHANIE M. HINDS
12 Acting United States Attorney

13 Dated: July 19, 2021

/s/
SARAH E. GRISWOLD
Assistant United States Attorney